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Permanent Forum on Indigenous Issues

Report of the Permanent Forum on Indigenous Issues on its first session

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* Part two of the report is issued separately in document E/2002/43 (Part II)-E/CN.19/2002/3 (Part II).

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I. Attendance

II. Documentation

Part one

Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
Establishment of the secretariat of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that the secretariat of the Permanent Forum on Indigenous Issues shall be established as a matter of urgency and that, given the broad mandate of the Forum, the secretariat shall be located in New York and shall be attached to the secretariat of the Council. The secretariat will be designated as the secretariat of the Permanent Forum on Indigenous Issues, and will comprise five Professional and two administrative staff, with due consideration being given to qualified indigenous persons. The secretariat will assist the members of the Forum in fulfilling its mandate by implementing the approved programme of activities, including the organization of meetings; undertaking research projects and preparing the annual report to the Council; raising awareness and promoting the integration and coordination of activities relating to indigenous issues within the United Nations system; and preparing and disseminating information on indigenous issues. Those activities are to be funded from the regular budget.

Draft decision II
Summary records of the public meetings of the Permanent Forum on Indigenous Issues

The Economic and Social Council, bearing in mind the special nature of the Permanent Forum on Indigenous Issues, the diversity of its participation and the breadth of its mandate, decides exceptionally to authorize the provision of summary records for the public meetings of the Forum.

Draft decision III
Venue and date of the second session of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides to hold the second session of the Permanent Forum on Indigenous Issues in the period April-May 2003 at United Nation Headquarters.

Draft decision IV
Additional meetings of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides to authorize an informal intersessional meeting of the members of the Permanent Forum of Indigenous Issues for five working days prior to its second session for the purposes of strategic planning. It also decides to authorize a meeting of Forum members in the three working days prior to its second session.

B. Matters brought to the attention of the Council

2. The Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, requests States, United Nations system and intergovernmental organizations, indigenous peoples, the private sector, and non-governmental organizations to assist in their realization.

1. Information-gathering from the United Nations system

Information-gathering

3. To assist with information-gathering, the Forum requests all organizations of the United Nations system to:

(a) Provide information to the Forum at its second session on their activities relating to indigenous peoples;

(b) Prepare a report concerning the development of methods and procedures, such as a comprehensive questionnaire and disaggregation of data on indigenous peoples, with the objective of standardizing and coordinating the collection and

reporting of information on indigenous issues within the United Nations system and with a view to producing relevant United Nations publications, such as directories;

(c) Prepare a study reviewing and outlining the policy, programme and technical issues which would need to be considered for the possible establishment of an information network and integrated database on indigenous issues;

(d) Organize a three-day workshop, comprised of 15 to 20 experts, including some members of the Forum and experts from the programmes, funds, agencies of the United Nations system, the United Nations Development Programme (UNDP) and indigenous peoples' organizations with expertise relating to data collection concerning indigenous peoples, the indigenous media network and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, to consider the findings of the above-mentioned studies and develop recommendations for consideration and action by the Forum at its second session. The workshop would focus on the creation of a centralized repository and database within the United Nations system relating to indigenous peoples. Topics for discussion would include the following:

- Technical training for indigenous peoples in accessing current data systems within the system, including the United Nations libraries in Geneva and New York.
- Creation of a United Nations web site for the Forum.
- The role of mainstream and indigenous media in the dissemination and education of information on indigenous peoples.

Communications/interactions with United Nations agencies

4. To improve communications and interactions with United Nations agencies, the Forum requests that the United Nations system:

(a) Establish Internet access, including a web site, for the use of members of the Forum;

(b) Provide, in particular United Nations country offices, as required and as available, facilities for and services to members of the Forum in their respective area of residence and while on official missions;

(c) Invite the Chairperson of the Forum to attend sessions of the Economic and Social Council and submit to the Council the report of the Forum;

(d) Fund a programme of visits for members of the Forum to participate in relevant meetings, as agreed to by the members;

(e) Encourage the programmes, funds and agencies of the United Nations system to participate in and cooperate with and provide support, as appropriate, for the activities of the Forum.

Additional meetings

5. The Forum requests the United Nations system to organize regional consultations over the next three years between United Nations agencies, Governments, indigenous peoples and members of the Forum.

Data collection

6. The Forum:

(a) Invites United Nations system organizations, including field offices, as well as special rapporteurs and States, to begin to disaggregate data on indigenous peoples generally and indigenous women and children specifically in two categories, covering (i) programmes and services impacting indigenous peoples, and (ii) fiscal allocations for indigenous peoples' programmes and services, and to transmit that data to the Forum on an annual basis;

(b) Invites United Nations system organizations to forward to the Forum information relating to all publications and data sources, including Internet services relating to indigenous peoples, on an annual basis;

(c) Invites United Nations system organizations to transmit to the Forum copies of all internal policies and procedures relating to indigenous peoples and to inform the Forum of any procedure or policy which limits their activities to specific regions or States.

Technical seminar

7. The Forum requests the United Nations system to establish a repository for hard-copy historical data relating to indigenous peoples, including treaties

between indigenous peoples and States and United Nations studies on indigenous peoples.

Report on the state of the world's indigenous peoples

8. The Forum requests the United Nations system to produce a United Nations publication which will be a triennial report (once every three years) on the state of the world's indigenous peoples, containing data on indigenous peoples and discussing issues relating to indigenous peoples in the thematic areas within the Forum's mandate.

2. Health

Health and the United Nations system

9. The Forum notes the significance of incorporating indigenous understanding of the human body, the causes of health and illness and existing practices of treatment of women and men, respectively, for the development of policies and guidelines on health care. It invites the Inter-Agency Support Group:

(a) To include the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Global Fund for AIDS at its meetings;

(b) To consider ways to establish cooperation between the Forum and the United Nations Centre for Human Settlements (Habitat);

(c) To consider, in cooperation with the Food and Agriculture Organization of the United Nations (FAO), the relationship between food/native diet and health and subsistence lifestyle;

(d) To report to the Forum at its second session on progress made in regard to those proposals.

Technical seminars

10. The Forum proposes the organization of a technical seminar, including representatives of UNDP, the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the Indigenous Peoples Health Caucus, Forum members and States, in order to address and plan a system-wide strategy to address the health needs of indigenous women and children. Special emphasis should be given to issues of infant mortality, reproductive rights, sterilization, domestic abuse and addiction. The seminar should also discuss terms of reference for a study on the needs of indigenous women and children, including the collection of data from United Nations agencies, States and NGOs. Outcomes of the seminar should be forwarded to the Forum for its consideration and action at its second session.

11. The Forum proposes the organization of a second technical seminar to assess existing programmes within the United Nations system and civil society and to address the need to expand global programmes for the immunization and vaccination of marginalized indigenous communities, in particular indigenous women and children. The seminar should also assess existing safety protocols relating to immunizations and vaccinations to ensure that historic abuses which allow the use of unapproved drugs in indigenous communities and children be prevented. The outcome of the seminar should be forwarded to the Forum for its consideration and action at its second session. Attendees of the technical seminar should include UNDP, WHO, UNICEF, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO), the Forum States, UNFPA, the Indigenous Peoples Health Caucus and the Global Alliance For Vaccination Initiative (GAVI). Funding for the seminar should be sought from GAVI.

Study on access to health care

12. The Forum requests the preparation of a study to determine which indigenous peoples and cultures have no access to direct health care and how health services that are sensitive to traditional health-care practices may be provided to them. The study should focus on indigenous peoples that have no access to medical services or primary care because they are nomadic or because they reside in marginalized areas that are very remote.

Working group on free and prior informed consent and participatory research guidelines

13. The Forum proposes the organization of a working group on prior informed consent and participatory research guidelines to meet three times annually for three to four days each year, for three years. Meetings could be scheduled before annual sessions of the Working Group on Indigenous Peoples, the working group on the draft declaration and the Forum. The working group would be requested to:

(a) Broaden and deepen the dialogue on prior informed consent by (i) defining what prior informed consent and participatory research guidelines mean in substantive terms; (ii) recommending criteria and guidelines for consideration when indigenous peoples and others address issues of prior informed consent and participatory research guidelines, in order to ensure that indigenous peoples and their communities are fully informed and meaningfully participate in decision-making and benefit-sharing processes, and that their interests are protected;

(b) Produce a paper on prior informed consent and participatory research guidelines for distribution and discussion with United Nations agencies, indigenous peoples and States, and engage in consultations with stakeholders on that issue;

(c) Following the consultation process, the working group would create an information kit with draft agreements and documents relating to prior informed consent and participatory research guidelines for review and consultation with indigenous peoples, agencies, States and other stakeholders on that issue.

14. It is proposed that the members of the working group include representatives of the Committee on Indigenous Health, treaty bodies, the World Bank, WHO, the Convention on Biological Diversity, NGOs, States and members of the Forum.

3. Human rights

15. The Forum requests the Secretary-General to prepare a report on how indigenous issues have been addressed in United Nations Charter-based mechanisms and treaty bodies.

16. The Forum requests appropriate regional organizations to provide it with information on how indigenous issues have been addressed in their respective mechanisms for the protection of human rights.

17. The Forum proposes the organization of a technical seminar with members of the Forum, the members of the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in order to ensure that those United Nations bodies can efficiently interface in their undertaking and to avoid duplication.

18. The Forum calls upon States to adopt the draft United Nations declaration on the rights of indigenous peoples before the end of the decade.

19. The Forum encourages States to include representatives of indigenous peoples' organizations in their delegations to the informal intersessional meeting on the draft United Nations declaration on the rights of indigenous peoples.

20. The Forum requests the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore to extend an invitation to members of the Forum to participate in its annual sessions.

21. The Forum requests the Secretary-General to provide necessary financial assistance to two members of the Forum to participate in the twentieth session of the Working Group on Indigenous Populations and the working group of the Commission on Human Rights to elaborate a draft declaration.

22. The Forum underlines the importance for thematic special rapporteurs and representatives of the Commission on Human Rights to pay special attention to the situation of indigenous peoples in their relevant fields.

23. The Forum encourages States to undertake consultations with indigenous peoples to elaborate constitutional provisions and State policies relating to indigenous issues.

24. The Forum recommends that the Office of the United Nations High Commissioner for Human Rights organize activities with indigenous peoples in Africa and Asia with a view to:

(a) Providing international and regional human rights training for indigenous peoples;

(b) Encouraging dialogue between States, indigenous peoples and others on the concept of indigenous peoples in the context of the promotion and protection of cultural diversity;

(c) Inviting inter-agency consultation with States and indigenous peoples at the national and subregional levels and to report to the Forum at its second session.

4. Economic and social development

25. The Forum notes that it is of the utmost importance to ensure respect for the rights of indigenous peoples in the planning and implementation of economic and social development projects. Accordingly, the Forum makes the following recommendations:

(a) The International Labour Organization (ILO) should continue to urge ratification of ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries, particularly by African and Asian countries, none of which have ratified it;

(b) ILO should continue to work towards the implementation of the Convention in countries that have already ratified it;

(c) A major effort should be made to provide information to United Nations agencies concerning the rights of indigenous peoples and, in addition, the agencies which do not yet have policies and strategies on indigenous peoples should be encouraged to formulate them in development programmes and projects, taking into account constitutional and legal advances made both nationally and internationally, particularly with reference to the Convention;

(d) The World Bank should take into account the outcome of the assessment being made of its current operational guidelines on indigenous peoples before completing the drafting of new guidelines on the matter. It should also re-evaluate the manner in which it has held consultations on the new guidelines;

(e) The United Nations agencies and bodies, including the financial institutions, must review their programmes and projects relating to indigenous peoples in order to gather information on policy, strategies, programmes, projects, allocated resources and outcomes; the Forum will subsequently address specific questions to the agencies and bodies on the question, including the issues of indigenous migrants living in urban areas, farm conflicts, food security and intellectual property;

(f) Thought must be given to how the United Nations system can foster stronger mechanisms to control and monitor the transnational enterprises operating in indigenous territories and lands. Steps should be taken to ensure that the subject is dealt with, inter alia, at the World Summit on Sustainable Development to be held in Johannesburg in August and September 2002 and at the meeting of the Andean Presidential Council, other opportunities being the Indigenous Peoples' Caucus preparatory to the World Summit on Sustainable Development and the meeting of the Andean Forum established by the Andean Community, in both of which members of the Forum should participate;

(g) Importance should also be given to familiarity with the different activities being conducted by the Commission on Sustainable Development;

(h) The various United Nations bodies should be very specific in any statements they make about indigenous issues, and any replies submitted should be equally specific so that the members of the Forum can obtain information.

5. Education and culture

26. The Forum stresses the importance of respect for and protection of traditional indigenous knowledge and heritage; the contribution of traditional knowledge in matters related to spirituality, the environment and the management of natural resources within ecosystems; objectively favouring the synergies between local traditional knowledge and modern science, with indigenous participation.

27. The Forum:

(a) Invites UNESCO to explain the plan of action for the application of the Universal Declaration on Cultural Diversity and also on linguistic rights, the policies, actions and initiatives on indigenous cultures, thus facilitating the opportunities and resources of the projects presented by indigenous peoples with the goal of accomplishing the compromises geared towards human sustainable development. Indigenous peoples demand the right to keep and develop their distinct characteristics, their cultural traditions and their customs;

(b) Invites UNESCO to guarantee the indigenous educational methods, views and psychology in its plans of action, and should influence the Government, through its education and culture representatives, to facilitate opportunities of access to education, coverage and educational quality for indigenous children and young people through grants, academic opportunities or a pertinent curriculum. Due respect should be given to teaching in indigenous

languages. Indigenous peoples seek the recognition of their rights to their history, languages, oral traditions, stories and writings, of their traditional indigenous medicinal methods and of the contribution of their own names for peoples and places;

(c) Requests that Governments include in their programmes and plans and in their educational and cultural policies the contents of indigenous knowledge, indigenous spiritual and religious traditions, indigenous customs and ceremonies, as well as indigenous histories, visions of the cosmos, philosophies and values. The rights of indigenous peoples to their sacred sites and ceremonial objects and to the distribution of their ancestral remains should be respected. They wish to have their cultural properties returned to them, particularly if those properties were taken without their permission, as well as the restoration and protection of their environment, lands and resources. The cultural heritage, made up of the archaeological zones and sacred sites that are used for tourism, should be taught to non-indigenous children and young people so that they know the contribution of indigenous culture to all societies and to this globalized world.

6. Environment

28. The Forum decides to request the following bodies — UNEP, the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the United Nations Forum on Forests, UNDP, the Office of the United Nations High Commissioner for Human Rights, WHO, the World Bank, WIPO, UNESCO, the World Trade Organization (WTO), the United Nations Conference on Trade and Development (UNCTAD), UNICEF, the Global Environment Facility (GEF), FAO, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, and related entities, as well as representatives of indigenous peoples and nations — to look into how they can be engaged in environmental and development endeavours, with the following mandates:

(a) To conduct a comprehensive review of the mandates, policies and programmes including financial and budgetary aspects of the various specialized agencies within the United Nations system that relate to indigenous peoples and their issues;

(b) To identify good and bad practices, coherence and divergence policies and programmes, gaps, problems, obstacles in addressing the issues of indigenous peoples within the United Nations system that fall within the mandate of the Economic and Social Council.

29. The Forum recommends that WIPO, UNESCO, the Convention on Biological Diversity, UNDP and FAO hold a technical workshop with Forum members and the representatives of States and indigenous peoples and nations in order to promote models for environmental and sustainable development governance that incorporates principles of genuine partnership between States and indigenous peoples, linkages between cultural diversity (language) and biological diversity, ecosystem approaches and collaboration between scientific and traditional knowledge, and to evaluate intellectual property regime; consider elaborating a sui generis system for the protection of indigenous bio-cultural heritage, genetic resources and traditional knowledge; and to identify a support system for indigenous peoples to develop and consolidate their own policies and principles for the protection of biological resources, traditional knowledge, innovations and creativity, including modes of access and benefit-sharing, with the free and prior informed consent of indigenous peoples and local communities.

30. The Forum requests that its members be invited to attend the World Summit on Sustainable Development and sessions of the Commission on Sustainable Development, the conferences of parties to the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the Convention to Combat Desertification and the United Nations Forum on Forests, as observers.

7. Children and youth

31. The Forum intends to make indigenous children and youth a focal point of its work in the years to come. The Forum decides to:

(a) Request that UNICEF, as the nodal agency of children, prepare a report on the policies, guidelines and programmes of United Nations agencies (including but not limited to WHO, UNAIDS, UNESCO, the Office of the United Nations High Commissioner for Human Rights, FAO, the ILO and UNDP) with regard

to the ways in which they address the specific needs of indigenous children;

(b) Request that UNICEF provide information from the multi-indicator cluster survey, disaggregating data on the antenatal health, birth, registration, immunization and early childhood development of indigenous children;

(c) Request that the Committee on the Rights of the Child and other monitoring bodies, including special rapporteurs and representatives of the United Nations system that have both specific mandates and implications for the rights and issues of children, pay special attention to and report on how they address the needs of indigenous children;

(d) Recommend the appointment of a special rapporteur on indigenous children, as an external expert, for a period of three years to prepare reports for the Forum to analyse and assess the situation of indigenous children from a holistic perspective and to evaluate the current policies, guidelines and programmes of relevant United Nations agencies which address their needs. A final in-depth report would be submitted to the Forum at the end of his/her term;

(e) Call upon the Committee on the Rights of the Child to declare indigenous children as the subject for its theme day in September 2004.

8. Code of conduct for the members of the Forum

32. The Forum decides to elaborate a code of conduct for its members based on, inter alia, the principles of respect, accountability, a holistic approach, transparency and consensus.